

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BOB RONEY,)	
)	
Plaintiff,)	
)	
v.)	No. 4:06CV1577 TIA
)	
STACEY TEDFORD, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This cause is before the Court, sua sponte, upon review of the file.

Plaintiff filed this cause of action on October 26, 2006, alleging numerous constitutional violations. Plaintiff names Stacey Tedford, William Tedford, Della Tedford, Glen Tedford, Iron County Sheriff's Department, Larry Jones, Iron County Police Department,¹ John Doe, John Roe, and Carl W. Strange, as defendants. Defendants Stacey Tedford, William Tedford, Della Tedford, Glen Tedford, Iron County Sheriff's Department, Larry Jones, and Carl W. Strange, entered their appearances in this cause. A review of the file shows that defendants John Doe and John Roe have not been served in this matter, nor has service been waived on their behalf, even though the Court directed plaintiff in the Order of March 7, 2007, either to voluntarily dismiss said parties under Federal Rule of Civil Procedure 41(a)(1), or to amend the complaint to substitute the true names of said Defendants and to take steps to serve process on said Defendants. The Court warned plaintiff that said defendants would be dismissed without prejudice if not served. Under Rule 4(m), Federal Rules of Civil Procedure, the Court, after notice to the plaintiff, is directed to dismiss an action

¹Plaintiff voluntarily dismissed with prejudice Defendant Iron County Police Department on January 12, 2007. See Notice of Voluntary Dismissal of a Party (Docket No. 13).

against a defendant upon whom service has not been made within 120 days after the filing of the complaint. Not only has the Rule 4(m) period for service expired in this cause, plaintiff has failed to effectuate service of process after having been given additional time by the Court. In light of the status of the proceedings in this cause,

IT IS HEREBY ORDERED that defendants John Doe and John Roe are dismissed from this action, without prejudice, due to plaintiff's failure to effectuate service within the time constraints of Rule 4(m).

Dated this 5th day of April, 2007


UNITED STATES DISTRICT JUDGE